

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSEPH ANTONETTI

Plaintiffs,

vs.

BARACK OBAMA,

Defendants.

3:11-cv-00452-ECR-RAM

**ORDER**

Plaintiff, Joseph Antonetti, who is a prisoner in the custody of the Nevada Department of Corrections, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1-2, 1-3, 1-4) and an incomplete application to proceed *in forma pauperis* (ECF. No. 1). Plaintiff did not provided the necessary financial certificate signed by the proper prison official. The Court dismissed the case without prejudice on the basis of this deficiency. (ECF No. 3.)

Plaintiff now seeks reconsideration of the dismissal contending that he cannot control the prison staff's handling of financial certificates, that he and his indigent status is well known to the Court, that he should have been given time to produce the certificate and that he cannot afford to recopy the complaint in order to file another action. Additionally, plaintiff argues that he could "at this time provide the financial cert[ificate]," but fails to do so.

A court may relieve a party from judgment for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud or other misconduct; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) any other reason justifying relief from operation of the judgment. *See* Fed.R.Civ.P. 60(b); *Backlund v. Barnhardt*, 778 F.2d 1386, 1388 (9th Cir. 1985). None of plaintiff's arguments are persuasive or meet the criteria for

1 relief from dismissal. According to the face of the proposed complaint, the actions complained of  
2 occurred in February and April of 2011, which suggests there is no issue of the statute of limitations  
3 running which would justify plaintiff filing his complaint before he had obtained the required financial  
4 certificate, particularly since, as he argues, he is familiar with the Court's requirements for proceeding  
5 in *forma pauperis*.

6 Plaintiff's has failed to persuade the Court that the dismissal of his action was improper  
7 or that reconsideration of that dismissal is warranted. The Motion for Reconsideration (ECF No. 5) is  
8 **denied.**

9 **IT IS SO ORDERED.**

10 Dated this 20<sup>th</sup> day of July, 2011.

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13 UNITED STATES DISTRICT JUDGE  
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